

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 5880 of 2005(Y)

PETITIONER:

**S.RAJASREE, THRUVINNAL HOUSE,
EVOOR SOUTH, KEERIKAD, ALAPPUZHA DISTRICT.**

BY ADV. SRI.N.GOVINDAN NAIR

RESPONDENTS:

- 1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANTHENCODE,
THIRUVANANTHAPURAM.**
- 2. PRESIDENT, TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM.**

BY ADV. SRI.K.N.VENUGOPALA PANICKER, SC, TDB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

KSS

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: APPLICATION BY PETITIONER FOR POST OF LDC DTD.
22/06/96.
- EXT.P2: ORDER OF 1ST RESPONDENT INCLUDING THE NAME
OF RESPONDENT IN THE LIST OF APPOINTMENT DTD.
12/01/99.
- EXT.P3: ORDER OF 1ST RESPONDENT TO PETITIONER TO APPLY
FOR LOWER CATEGORY POST DTD. 5/01/05.
- EXT.P4: REPRESENTATION BY PETITIONER'S DTD. 24/01/05.

1ST RESPONDENT'S EXHIBITS:

- EXT.R1(A): COPY OF THE RULES FOR THE APPOINTMENT OF RELATIVES/
DEPENDANTS DYING IN HARNESS 1989.
- EXT.R1(B): COPY OF THE 2ND LIST OF APPLICANTS FOR APPOINTMENT
IN DYING IN HARNESS SCHEME.
- EXT.R1(C): COPY OF THE 3RD LIST OF APPLICANTS FOR APPOINTMENT
IN DYING IN HARNESS SCHEME.

/TRUE COPY/

P.S.TO JUDGE

KSS

V.GIRI, J.

W.P.(C).No.5880 of 2005 Y

Dated this the 14th day of November, 2007.

JUDGMENT

Petitioner's father V.G.Vaikuntan Pillai, who was employed in the Travancore Devaswom Board, died in harness on 5.8.1989. Apparently, the petitioner was only 11 years at that time. The petitioner became a major. She applied on 22.6.1996 as per Ext.P1 for consideration of her for appointment under the dying in harness scheme. By Ext.P2 order dated 12.1.1999, petitioner was informed that she will be included in the list of persons eligible for appointment under the Board under the dying in harness Scheme. Apparently, several years passed. Vide Ext.P3, Petitioner was told that her name is included under the dying in harness scheme for appointment to the post of Lower Division Clerk/Special grade Officer, but the number of vacancies in the post of Lower Division Clerk/Special Grade Officer is very low and asked her to indicate her willingness to be appointed to the lower post i.e. Sweeper Kazhakam etc., in which case, she shall give an undertaking that she will not raise any claim in future for

clerical post. Petitioner expressed her unwillingness. This writ petition is filed seeking a direction to the Board to give the petitioner appointment in the post of Lower Division Clerk/Special Grade Officer, after setting aside Ext.P3.

2. In the counter affidavit filed by the Board, it is mentioned that as per Ext.R1(a) Rules, 10% of the vacancies arising in a financial year is set apart of dying in harness Scheme. But, there are several persons seeking employment under the dying in harness Scheme. Three lists were prepared. The first list is exhausted. In the second list, 45 persons were included. 23 persons have been appointed from the said list, another 22 persons are waiting appointment from Ext.R1(b). Petitioner is included in 3rd list as serial No.10. Petitioner will be given appointment, as and when her turn arises.

3. On a perusal of the counter affidavit, I am satisfied that the petitioners claim for appointment under dying in harness Scheme has been reasonably and fairly considered by the Board. The statement that the petitioner is included in Ext.R1(c) list and will be appointed to the

post of Lower Division Clerk/Special Grade Officer as and when her turn arises, is recorded.

4. In the circumstances, it may not be possible to straight away issue a direction to the Board to appoint the petitioner, overlooking the claim of other persons included in the list above the petitioner. But, it is made clear that as and when the petitioner's turn arises, she will be appointed.

Writ petition is disposed of as above.

Sd/-

(V.GIRI)
JUDGE

sk/

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